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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,913	08/29/2001	Joseph L. Harris	72155	7662

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EXAMINER

SMITH, CREIGHTON H

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/30/2004

# 3

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

94 A13

Applicant(s)

HARRIS SL

Examiner

Smith, C.H.

Group Art Unit

2645

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-7 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-7 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant's specification is inadequate as regards to the 1st and 2nd orientation of the diplexer. On page 11, lines 15-20, is the only place in the spec where "two orientations" are disclosed. If this is such an important embodiment of applicant's invention, it is deemed vague and indefinite as to how the orientations are presented. Nowhere on the drawings do these "two orientations" appear. Applicant should have the 2 orientations clearly presented on the drawings, and have a concise explanation in the written spec describing the 2 orientations. What examiner thinks that applicant means by the 2 orientations is if, assuming, that Fig. 3 is a 1st orientation with connectors 51/81 and 52/82 connected to each other, that the 2nd orientation would be with the diplexer inverted so that 52 would now be connected to 81 and 51 would be connected to 82. But, this is only examiner's guess. Further drawings need to be presented showing the 1st and 2nd orientation. Also, applicant needs to be careful to not introduce new matter.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5, & 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Nelson '312.

Nelson shows a transceiver (70) having a transmitter and receiver port (71,72), and connected to a diplexer (50) having an interface port (55) and 1st and 2nd transceiver-coupling port connectors (57,61). As depicted in Fig. 3 would be the 1st orientation of the transceiver/diplexer combination, and as disclosed in col. 4, lines 35-49. Nelson's 2nd orientation of the transceiver/diplexer combination is disclosed @ col. 4, lines 50-60. The dual orientation is shown by the diagonal arrows in Fig. 3 that depicts transmitter port 71 connected in the 1st orientation to port 57 of diplexer and in the 2nd orientation transmitter port 71 is connected to port 61 of diplexer. The transceiver and diplexer support structures would be the square box-like structures surrounding the connectors with numerals 50 & 70 pointing to each.

Claims 2, 4, 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Nelson does not disclose the diplexer guide structure.

Any inquiry concerning this communication should be directed to Creighton H Smith at telephone number 308-2488.

Creighton H Smith  
Primary Examiner  
Art Unit 2645

